

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GULF MARINE FABRICATORS, LP
Plaintiff,

VERSUS

THE ATP INNOVATOR, bearing IMO No. 742, her
tackle, furniture, apparel, appurtenances, etc., *in rem*,
AMERINDO SERVICES LTD, *in personam*
BLUE SKY LANGSA LTD, *in personam*
Defendants.

CIVIL ACTION NO. 2:16-cv-00430

IN ADMIRALTY,
F.R.C.P. 9(h) and Rule C

**GULF MARINE FABRICATORS, LP'S MOTION FOR REVIEW
OF MAGISTRATE'S MEMORANDUM AND RECOMMENDATION**

NOW INTO COURT, through undersigned counsel, comes complainant, Gulf Marine Fabricators, LP ("Gulf Marine"), who respectfully files this Motion for Review of Magistrate Judge's Memorandum and Recommendation (R. Doc. 70), as amended (R. Doc. 71), in which the Magistrate Judge recommended that this Court grant defendant Amerindo Services, Ltd.'s Motion to Dismiss Arrest (R. Doc. 62) of the *in rem* defendant vessel ATP INNOVATOR ("INNOVATOR").

As set forth in the accompanying Memorandum in Support, Gulf Marine respectfully suggests that the Magistrate Judge's Memorandum and Recommendation, which recommends that the INNOVATOR be deemed a non-vessel, applied an improper standard of review and is also contrary to the law and the evidentiary record. The INNOVATOR is a vessel under the General Maritime Law and is therefore subject to maritime liens, including Gulf Marine's maritime lien for necessities. For these reasons and those set forth in the accompanying Memorandum in Support, Gulf Marine respectfully requests that the Court grant its Motion for Review and deny Amerindo's Motion to Dismiss Arrest.

Respectfully submitted,

/s/ William C. Baldwin

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of November, 2017, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system. I also certify that I have mailed this filing by United States Postal Service to any non-CM/ECF participants.

/s/ William C. Baldwin